

Subject: SCRRA- Cal Public Record Act request, re SCRRA-MCLM contract for 217-222 MHz FCC radio frequency licenses

Date: Friday, April 23, 2010 4:55 PM

From: Warren Havens <warren.havens@sbcglobal.net>

To: <tseko@scrra.net>

Cc: <sandersr@scrra.net>, Jimmy <jstobaugh@telesaurus.com>, Warren Havens <warren.havens@sbcglobal.net>

To: Mr. Perry Tseko, SCRRA records management

Cc: Mr. Bob Sanders, SCRRA administration office

Mr. Tseko,

Bob Sanders referred me to you when I called today asking how to submit this request. I copy him on this email as he suggested.

Below, by "SCRRA" I mean any of the following:

- (i) the "Southern California Regional Rail Authority," or "Metrolink," or any entity participating in those two, including:
- (ii) the Los Angeles County Metropolitan Transportation Authority,
- (iii) the Orange County Transportation Authority,
- (iv) the Riverside County Transportation Commission,
- (v) the San Bernardino Associated Governments and
- (vi) the Ventura County Transportation Commission.

This is a request for my nonprofit Foundation listed below for complete (non-redacted) copies of the following records:

1. All written contracts, agreements, understandings and undertakings, including all drafts, signed or authorized by any person representing SCRRA, between SCRRA and a company called Maritime Communications/ Land Mobile LLC --(sometimes also called "MCLM", or any company with a similar name, or any agent of said company: herein together called "MCLM")-- to obtain use of or title to any FCC-licensed radio spectrum in the 217 to 222 MHz range.

In this regard: I attach a Notice from the FCC that describes one of these documents: There must be more than one such documents, including preliminary ones, drafts, exhibits, corollary documents, etc.

2. All correspondence and communications of any kind that relate to item '1' above between SCRRA and MCLM.

3. All correspondence and communications of any kind that relate to item '1' and '2' above between SCRRA and: (i) the Federal Communications Commission (the "FCC"), (ii) any other federal agency including the Federal Railroad Administration, or (iii) any State of California agency, employee of any State of California agency, or member of the State of California legislature.

4. All documents of any kind (dealing with FCC, legal, technical, economic, public policy and relations, or other issues) relating to items '1', '2' and '3' above (whether or not they are correspondence and communications), or relating to use or potential use or possession by SCRRRA of any 217-222 MHz radio spectrum, and any other radio spectrum, whether for Positive Train Control or some other use or application.

Please provide documents under items 1, 2, and 3 above first, and item 4 later (including since items 1-3 are more specific and should be easier to quickly location in full).

Our Foundation is a nonprofit tax-exempt private operating foundation in the field of Intelligent Transportation Systems ("ITS"). (Among other activity, we provide charitable gifts and collaboration to State of California employee researchers in ITS matters.) I attach some information in that regard. However, our Foundation will pay fees if you determine fees must or should be charged under applicable law. If the estimated fees exceed \$500, please first provide to me an estimate in advance.

We request to receive each of the requested documents in electronic form, if you have them in that form; otherwise in paper form.

Please acknowledge receipt of this document request, and an estimate of the time it will take to fulfill the request, and identify any requirements of the California Public Records Act that this request has not satisfied, if there is any, for it to be processed and fulfilled.

Thanks for your assistance.

Note:

Jimmy Stobaugh is also, along with me (the undersigned), an authorized representative of the requester Foundation on this request. I copy him on this email.

Sincerely,
Warren Havens

President
Skybridge Spectrum Foundation

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PUBLIC NOTICE

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DA 10-556
Released: March 29, 2010

**MARITIME COMMUNICATIONS/LAND MOBILE LLC AND SOUTHERN CALIFORNIA
REGIONAL RAIL AUTHORITY FILE APPLICATIONS TO MODIFY LICENSE AND ASSIGN
SPECTRUM FOR POSITIVE TRAIN CONTROL USE, AND REQUEST PART 80 WAIVERS**

PLEADING CYCLE ESTABLISHED

WT Docket No. 10-83

Petition to Deny/Comments Due: April 28, 2010

Oppositions/Reply Comments Due: May 10, 2010

Replies to Oppositions: May 17, 2010

The Wireless Telecommunications Bureau has received applications filed by Maritime Communications/Land Mobile, LLC (MC/LM) and Southern California Regional Rail Authority (SCRRA) relating to the license for Automated Maritime Telecommunications System (AMTS) station WQGF318.¹ The first is an application filed by MC/LM to modify the license for station WQGF318 by changing the regulatory status of a geographically partitioned portion of the license area from commercial mobile radio service (CMRS) to private mobile radio service (PMRS) (modification application).² The second is an application filed by MC/LM and SCRRA to assign that partitioned portion of the WQGF318 license area to SCRRA, accompanied by a request for waiver of several Part 80 Rules, to permit SCRRA to use the spectrum for positive train control (assignment application).³

¹ AMTS stations traditionally provide automated ship-to-shore communications similar to a cellular phone system for tugs, barges, and other maritime vessels. See Amendment of Parts 2 and 80 of the Commission's Rules Applicable to Automated Maritime Telecommunications Systems (AMTS), *First Report and Order*, GEN Docket No. 88-732, 6 FCC Red 437, 437 ¶ 3 (1991). In recent years, the Commission has amended its Part 80 Rules to provide AMTS licensees with the flexibility to provide service to units on land, both CMRS and PMRS. See generally *In the Matter of MarITEL, Inc. and Mobex Network Services, LLC*, WT Docket No. 04-257, *Report and Order*, 22 FCC Red 8971 (2007).

² FCC File No. 0004153701 (filed Mar. 8, 2010). WQGF318 is the geographic license for AMTS frequency block A in the Southern Pacific market (AMT006).

³ FCC File No. 0004144435 (filed Mar. 11, 2010).